

REMARKS/ARGUMENTS

The Final Office Action of April 28, 2006 and the Advisory Office Action of July 24, 2006 have been carefully reviewed and these remarks and request for continued examination are Applicant's response thereto. Applicant notes that the arguments submitted herein are similar to the arguments previously submitted in a June 30, 2006 response to the Final Office Action.

Claims 7-14, 23-43 and 47-51 are currently pending in the present application. Claims 1-6, 15-22 and 44-46 are cancelled. Claims 47-51 are new. Claims 7-14 and 23-25 were rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Claims 26-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,628,934 to Pohndorf *et al.* (Pohndorf).

Amendments to the Drawings

Figure 2 was amended to include a label for the housings of the extension unit and the implantable pulse generator. This amendment ensures that housing recited in the pending claims is not only shown in the Figures but also labeled for the sake of clarity.

Amendments to the Specification

The specification was amended to correspond to the adding of labels to the drawings and to ensure antecedent basis for claim terms was present in the specification. No new matter was added. Entry of this minor change is respectfully requested.

New Claims

Claims 47-51 are new. Independent claim 47 is directed to the subject matter of claim 26. Claims 48-50 are respectively directed to the subject matter of claims 28, 33 and 34. Claim 51 is directed to the subject matter of cancelled claim 44. Thus, no new matter has been added. These new claims are believed to be in condition for allowance for reasons similar to the reasons discussed below with respect to claim 26 and notification of same is respectfully requested.

Cancelled Claims

Claims 15-22 and 44-46 are cancelled without prejudice or disclaimer. Accordingly, the rejection of claim 44 is considered moot and Applicants reserve the right to file a divisional or continuation application to address these cancelled claims.

Amended Claims

Claim 26 has been amended to recite “An extension unit for electrically connecting an insulated set of conductors that extends from a distant housing of a implantable pulse generator..., the extension unit comprising: input lines for receiving input signals from the output sources of the distant implantable pulse generator via the set of conductors....” Applicants respectfully submit that such a meaning was inherent in the claims are previously filed. Furthermore, additional support is at least found in Figure 2 and the description provided in pg. 4-5, ¶ 16 of the specification as filed.

Claim 40 has been amended to recite “a set of conductors for connecting the implantable pulse generator to the extension unit.” Support for this is at least found in Figure 2 and the description provided in pg. 4-5, ¶ 16 of the specification as filed. Therefore, no new matter was added.

Rejection under 35 USC §112

Claims 7-14 and 23-25 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action suggested that a reference to a switch that could simultaneously trigger a plurality of electrodes was not described in such a way in the specification as filed so as to convey to a person of ordinary skill in the art that Applicants were in possession of the claimed invention. Applicants respectfully traverse this rejection with the following remarks.

Applicants first note that the summary discloses that each programmable switch is connected to at least a portion of the electrodes. (Specification as filed, ¶ 10, pg. 3). The specification explains that “[i]n operation, several neighboring electrodes can be connected in parallel to have a combine surface area of 6-24 mm².” (Specification as filed, ¶ 17, pg. 5). The specification further explains that “[s]witches 310-312 can be configured to transmit the signals they receive to any three of output lines 314-319.” (Specification as filed, ¶ 24, pg. 7). As three electrodes may be considered a plurality of electrodes, and the specification explains the electrodes may be connected in parallel, Applicants respectfully submit that person of ordinary skill would appreciate that the switches may simultaneously trigger a plurality of electrodes. Indeed, Applicants respectfully submit that it would be difficult to not simultaneously trigger a plurality of electrodes connected in parallel. Therefore, a person of ordinary skill in the art

would understand that the specification disclosed and described the concept of simultaneously triggering a plurality of electrodes and Applicants were in possession of such a concept.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 USC §102 – Pohndorf

Claims 26-44 are rejected under 35 USC §102(b) as being anticipated by Pohndorf.

Independent claim 26 now recites “An extension unit for electrically connecting a set of conductors that extends from a distant housing of an implantable pulse generator..., the extension unit comprising: input lines for receiving input signals from the output sources of the distant implantable pulse generator via the set of conductors....” While not agreeing with the Office Action’s rejection of claim 26, to expedite prosecution in view of what Applicants feel is an unreasonable claim construction, claim 26 has been amended to clarify what the extension unit is distant from.

The Office Action appears to be reading the pacer neck 38 of Pohndorf as being equivalent to an extension unit and the circuitry in the case 36 of Pohndorf as being the implantable pulse generator. However, even under the Office Action’s interpretation of claim 26, Pohndorf fails to disclose “an extension unit for electrically connecting a set of conductors that extends from a distant housing of an implantable pulse generator” because the housing of the case 36 is not distant from the pacer neck 38. In other words, while the Final Office Action suggested that the thickness of the housing itself could be considered the space that allowed the pacer neck (which was read as the extension unit) to be distant from the implantable pulse generator, plainly amended claim 26 is no longer amenable to such a construction. Therefore, Pohndorf fails to disclose all the features of claim 26. Accordingly, as Pohndorf fails to disclose all the features of claim 26, Pohndorf cannot be said to anticipate claim 26.

Claims 27-39 depend from independent claim 26 and are not anticipated for at least the reasons claim 26 is not anticipated and for the additional limitations recited therein.

Claims 40-43 include the extension unit of claim 26 and therefore are not anticipated for at least the reasons that claim 26 is not anticipated and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

In summary, Applicant respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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